

MISSOURI'S WORKPLACE

Published by the Office of Public Affairs

Vol. 4 No. 4, Winter 2002

Two Eastern Missouri Companies Earn Safety Honor

Two eastern Missouri companies were recently honored with plaques and flags for becoming members of the Missouri Safety and Health Achievement Recognition Program (SHARP).

Ozark Steel Fabricators of Farmington and Mother of Good Council Nursing Home of Normandy implemented the SHARP safety management program and achieved workplace safety records good enough to qualify them for this exclusive safety and health incentive and recognition program.

SHARP is the ultimate level consultative services program of the Missouri On-Site Safety and Health Consultation Program. It is designed to promote effective workplace safety

and health program management and provide model safety and health management programs. SHARP is also designed to provide incentives and support to smaller, high-hazard employers to work with their employees to develop, implement and continuously improve the effectiveness of their workplace safety and health programs.

To be eligible for SHARP, a company may have no more than 250

employees at the work site and not more than 500 total employees at all sites controlled. The work site's lost workday injury (LWDI) rate must be at or below the national average for their industry.

The Missouri On-Site Safety and Health Consultation's SHARP program recognizes employers and employees who operate exemplary safety and health programs that result in the immediate and long-term

prevention of job-related injuries and illnesses.

Presently, 22 Missouri companies participate in the SHARP program, the fourth highest number of participants in the nation. Approximately 145,000 Missouri companies are eligible. Criteria for inclusion in the program include management leadership and employee involvement, worksite analysis, hazard prevention and control, and safety and health training.

For information about SHARP or to request a free safety consultation, please call the Missouri Department of Labor and Industrial Relations' Division of Labor Standards at (800) 475-2130 or (573) 751-3403 or visit their website at www.dolir.state.mo.us/lr.



Employees at the Mother of Good Counsel are presented with their SHARP award flag. From left: Sister M. Rosalinda, supervisor of second floor; Connie Ortals, safety manager; Robert Simmons, Division of Labor Standards On-Site Safety and Health Program manager; and Katie Belgeri, senior housekeeper.



OSHA representatives join Ozark Steel Employees as they receive their SHARP workplace safety award. From left: Jane Johnson, OSHA consultation program officer; Cindy Dearing, OSHA assistant regional administrator; Alice Marquis, Division of Labor Standards occupational safety and health consultant; Rich Foster, safety consultant for Ozark Steel Fabricators; and David Laut, vice president of Ozark Steel Fabricators.

Mine Rescue Teams Gather for Annual Contest

By Jim Walker, Mine Safety Instructor, Division of Labor Standards

One of the most unique regional mine rescue contests is held each year in Rolla, Missouri. The Rolla Regional Mine Rescue Contest is different because it is actually conducted underground in the University of Missouri's Experimental Mine. The 2001 competition included both a rescue problem and a first aid contest. The rescue problem was designed and judged by federal mine inspectors from the Mine Safety and Health Administration. The first aid contest was designed and judged by state instructor/inspectors from the Division of Labor Standards' Mine and Cave Safety Section.

Participants in the contest came from as far away as New Mexico and Louisiana. Missouri mining companies/organizations that entered the contest included The Doe Run Company (two teams), Mississippi Lime Company, and the University of Missouri-Rolla. Unfortunately for the Missouri teams, both the first aid contest and the rescue competition

were won by out of state teams.

Federal mining regulations require that all underground mines have access to two mine rescue teams. During an emergency, one team will enter the mine and one will remain on the surface. The surface team is responsible for rescuing the team underground should its members become trapped. Many mining



Members of a rescue team prepare to enter the experimental mine at the Rolla Regional Mine Rescue Contest.

operations do not maintain a mine rescue team. Instead, they have usage agreements with companies that do maintain a team or teams.

Mine rescue teams are comprised of volunteers who devote countless hours to training for the disaster they pray never comes. The training ranges from first aid to testing for gases and requires considerable physical exertion. To ensure the training is effective, the teams enter competitions that feature complex, hypothetical rescue problems that must be completed within a specified time limit. Mine rescue contests generally take place on the surface in mock mines that are constructed of plywood and plastic. Judges enter the "mine" with each team and judge the team's effectiveness in accordance with strict safety guidelines. A national contest is held every other year and features the crowning of a national champion mine rescue team. Regional competitions are held at various locations to prepare teams for the national contest.

What's Inside

- 2 Single Party Unemployment Appeals Hearings Now Held by Telephone
- 2 Mine Rescue Teams Gather for Annual Contest
- 3 Director's Message
- 3 Division of ES Prepared to Assist Workers Affected by Layoffs
- 4 Inside DOLIR
- 6 To Work or Not to Work? Children in the Workplace
- 7 Mediation is a Valuable Forum

Single Party Unemployment Appeals Hearings Now Held by Telephone

Many appeals hearings for unemployment cases are now held by telephone rather than in person.

The Unemployment Appeals Section of the Missouri Department of Labor and Industrial Relations now conducts all single party appeals hearings by phone and plans to do the same for multi-party hearings. The section will eventually relegate in-person hearings to a request-only basis. The goal is to make the process faster and easier for all parties involved.

"We think the change to telephone hearings will save the parties involved in appeals time and money, and it will also save the state time and money," said Catherine Leapheart, department director.

Ex-workers and employers will still have the option of requesting an in-person hearing. The Department's appeals referees hear more than 26,000 unemployment appeals annually. By July the Department hopes to conduct 93 percent of all appeals hearings by phone.

For more information on filing appeals to unemployment benefits determinations, call (573) 751-3913 or visit <http://www.dolir.state.mo.us/es/appeals/index.htm>.

Division of Employment Security Prepared to Assist Workers Affected by Layoffs

The Division of Employment Security is ready to provide unemployment insurance services to Missourians who may be affected by layoffs that are expected to occur in the airline and related industries.

Governor Holden directed the Department of Labor and Industrial Relations (DOLIR), Division of Employment Security, and Department of Economic Development (DED), Division of Workforce Development to develop a joint plan of action should layoffs occur. Both divisions will be working directly with the affected industries in a coordinated effort to provide important information to workers.

Rapid Response Teams, which are composed of representatives from the Division of Workforce Development, the Division of Employment Security, local Missouri Career Centers, and local Workforce Investment Boards, will explain to the affected workers what services and procedures are available to expedite the filing of unemployment claims.

When layoffs occur, the Division of Employment Security has the capability to accept large numbers of claims through electronic data exchange with employers. Employers who are interested in electronic claims filing may contact the Unemployment Insurance Section of the Division of Employment Security at (573) 751-3641 in advance of the

layoff. The division also is prepared to quickly process unemployment claims filed by individual workers.

Unemployed workers can file unemployment claims using the Internet at www.ui.dolir.state.mo.us any time of the day. The regular process of filing unemployment

claims via telephone is available during regular working hours Monday through Friday. Local calls can be made to Jefferson City at 573-751-9040, St. Louis at 314-340-4950, Kansas City at 816-889-3101 and Springfield 417-895-6851. Individuals outside these local areas should call (800) 320-2519.

Take Pride in Workplace Safety



My congratulations go out to Ozark Steel Fabricators and the Mother of Good Counsel Nursing Home for becoming part of OSHA's Safety and Health Achievement Recognition Program (SHARP). Highlights of their honor are included in this issue of *Missouri's Workplace*.

They have demonstrated what can be done when a business, its management and employees work together and dedicate their efforts to providing and maintaining a truly safe and healthy work environment. They should be proud of the results of those efforts.

Each time our Division of Labor Standards honors another company for attaining the high standards set by OSHA for this program, I am proud. Proud of the employers and their employees who made safety a priority, and proud of the work we do to help Missouri companies be safer.

It is our privilege to help Missouri workers in many ways, but one of the most fundamental things we can do for all of our state's workers is help ensure their safety on the job.

If you are interested in the SHARP program or a free workplace safety and health consultation, call our Division of Labor Standards at (800) 475-2130. We can help you with your safety and health questions.

Director's Comments

Disaster Preparedness and Evacuation Presentation Available

Since the terrorist attacks of September 11, there has been an increased awareness of the need for people with disabilities to be prepared in the event that an evacuation is necessary. Unfortunately, many people don't think about evacuation procedures until a disaster occurs. How would you and your employees get out of your workplace in case of an emergency? Do you have an evacuation plan prepared? Is there an area of refuge or evacuation chairs to assist those with disabilities down stairways if you need to evacuate?

The Governor's Council on Disability has researched these and many other questions, and has prepared a presentation for employers and people with disabilities. To arrange a presentation on disaster preparedness for your business or organization, contact the Governor's Council on Disability at (800) 877-8249.

For more information, visit these websites:

Federal Emergency Management Agency
www.fema.gov

United States Fire Administration
www.usfa.fema.gov

National Fire Protection Association
www.nfpa.org

American Red Cross
www.redcross.org

ADA Accessibility Guidelines for Buildings and Facilities (ADAAG)
<http://www.access-board.gov/adaag/html/adaag.htm#4.3>

Unemployment Insurance Tax Fast Facts

- For the year beginning January 1, 2002 the taxable wage base is \$7,000. This means that no unemployment insurance tax is required on any wages over \$7,000 paid to a worker by an employer or its predecessor during the calendar year.
- 2002 New Employer Tax Rates: Beginning rates for all new employers will be 2.970% except non-profit and governmental rates, which will be 1.10%. All employer tax rates for 2002, including the beginning tax rates, will

be increased by a 10% contribution rate adjustment. The contribution rate adjustment was determined by the average balance in the unemployment insurance trust fund from the fourth quarter of 2000 through the third quarter of 2001. There will be no special industry rates for calendar year 2002.

Labor Commission Gets New Chair

Governor Bob Holden appointed Renee T. Slusher of Columbia chair of the Labor and Industrial Relations Commission. She was sworn in October 1.

Slusher, 34, holds bachelor's and law degrees from the University of Missouri-Columbia. She was previously an attorney with Roger G. Brown and Associates in Jefferson City, where she worked since 1992. She is experienced at both the trial and appellate levels in the areas of labor, tort litigation, workers' compensation and domestic relations. She also served on the Manufactured Housing Industry Advisory Committee from 1998 to 2000, and is a current board member of the Missouri Association of Trial Attorneys and Mid-Missouri Legal Services.



Experience the Value and Convenience of Filing Your Workers' Comp Injury Reports Electronically

Use Electronic Data Interchange (EDI)

Insurance companies, self-insured employers and third party administrators can file First Reports of Injury (Form 1's) using Electronic Data Interchange (EDI). Filing electronically is a cost-effective and accurate way of getting your injury reports to the Division of Workers' Compensation.

If you are an insurer, self-insured employer or third party administrator interested in filing your Form 1's electronically, please call (573) 526-4956 for more information.

ADA CD-ROM Offered to Employers

The U.S. Department of Justice has released a free CD-ROM collection of Americans with Disabilities Act (ADA) materials for employers. It allows users to search documents and identify appropriate information more easily and efficiently. Materials include regulations, architectural design standards, technical assistance publications and more. For more information or to order the CD-ROM visit www.usdoj.gov/crt/ada/adatacd1.htm or call the toll free ADA information line at (800) 514-0301.

Paper copies of the Americans with Disabilities Act Accessibility Guidelines can also be obtained by contacting the Governor's Council on Disability at (800) 877-8249, or by e-mailing them at gcd@dolir.state.mo.us. Please include your name and address with your request.

State Launches Campaign to Boost Tourism Industry

Missouri Lt. Governor Joe Maxwell and Missouri Tourism Commission Chairman Louis P. Hamilton recently unveiled an initiative entitled "Rediscover Your Missouri," encouraging Missourians to travel in the Show-Me State and support one of the state's three largest industries.

Maxwell announced that the "Rediscover Your Missouri" campaign will be led by the Missouri Division of Tourism in partnership with the Department of Natural Resources and other government agencies. The goal is to create special programs to promote Missouri destinations and attractions to both in-state and out-of-state visitors.

"More than 200,000 Missourians make their living in tourism-related jobs. These are restaurant employees and hotel workers, tour guides and motor coach drivers," said Maxwell. "These hardworking people represent one of every 14 jobs in the state."

"Today, we are asking people of Missouri to support their fellow Missourians by traveling with their families and rediscovering our state's natural beauty and experiencing its rich history and cultural heritage," added Hamilton.

"Rediscover Your Missouri" is the Division of Tourism's newest initiative to bolster Missouri's \$12.9 billion tourism industry. Prior to September 11, the Division of Tourism, acting at the direction of the Tourism Commission, re-

focused its advertising and marketing campaigns to focus on markets that are geographically closer to Missouri and invested \$500,000 more than during the same period last year to attract fall visitors.

In the wake of the terrorist attacks on the United States, the Division of Tourism eased restrictions on how local Chambers of Commerce and Convention and Visitors Bureaus may use cooperative marketing funds, enabling these destination marketing organizations greater flexibility in their marketing efforts.

On October 11, The Missouri Association of Convention and Visitors Bureaus adopted a resolution encouraging the Missouri Tourism Commission to call for the release of withheld tourism funds to ensure that Missouri remains competitive in the tourism market. Lt. Governor Maxwell called upon Governor Holden to release withheld tourism funds the following day.

"Tourism is one of the state's biggest producers," added Maxwell. "Every dollar spent on Missouri tourism advertising generates \$53.56 in tourist spending, and every one of those dollars more than doubles as it makes its way through the state's economy."

For a free copy of the 2001 Official Missouri Vacation Planner, consumers are urged to call (800) 519-4800 or visit the Missouri Division of Tourism web site at www.VisitMO.com.



This article courtesy of the Missouri Department of Tourism.

Show Me Safety

To Work or Not to Work? **CHILDREN IN THE WORKPLACE**

By Khesha Duncan, Child Labor/Safety & Health Coordinator, Division of Labor Standards

With all of the government programs out there today that put our young people into the workplace, it often gets confusing trying to decide whether it's a good idea. And although this issue has its fair share of concerns for parents, educators and the youth themselves, employers understandably seem to have the most questions about the hiring of youth. We at the Division of Labor Standards believe that the issues of utmost importance for working youth are safety and providing balance between work and school.

One of the biggest concerns employers have about hiring youth is increased liability. In reality, this is not as big a concern as employers often think. The truth is that the insurance coverage employers already have is generally all that is needed for employers considering hiring youth. If youth are entering the workplace through school-related programs, generally the insurance that schools already have to cover students for field trips and job shadowing experiences will suffice. As a rule, however, it is always a good idea for employers to touch base with their insurance agents and double check their policy for added security.

Another very important thing for employers to know is that there is a child labor law to follow. This law applies to 14 and 15 year olds only in the state of Missouri, and focuses on work hour restrictions for that age group. Students may work between the hours of 7 a.m. and 7 p.m. during the school year, defined as Labor Day through June 1. They may not work more than three hours in any school day or eight hours in any non-school day. They may also not work more than six days a week. A school-issued

work certificate is also required during the school year. During the summer, defined as June 1 to Labor Day, youth may work between the hours of 7 a.m. and 9 p.m. They may work up to eight hours a day, and up to six days or 40 hours a week.

There are also prohibited occupations that apply to youth workers younger than 18 years of age. These include, but are not limited to: any hazardous employment; any power driven machinery with the exception of lawn and garden machinery in domestic service or around a private residence; any place where sleeping accommodations are furnished, except where physically separated from sleeping areas; and any place where alcoholic liquors are sold and served for consumption on the premises, except where at least 50 percent of gross sales are from other than alcoholic beverages.

Remember, know what the law is and ask if you do not know. Also, youth workers are students first and that should not change if they decide to take a job. Next, because they are still youth, they need additional training and supervision. It is important that they get a feel for what they might or might not like to choose for a career as adults, and this can only happen if employers give them that opportunity. Overall, if employers combine adherence to the law with good judgment, I believe they and the youth they hire will find it to be an equally rewarding experience.

For more information about Missouri child labor laws, contact the Division of Labor Standards at (800) 475-2130 or visit our website at www.dolir.state.mo.us/lr.

Mediation Is a Valuable Forum to Discuss Legal Issues and More

By Russell Greenhagen, Senior Mediator, Division of Workers' Compensation

Professor Len Riskin, of the University of Missouri-Columbia School of Law's Center for the Study of Dispute Resolution, identifies four overlapping areas to every dispute. The dispute can be narrowly defined as a legal issue. Or, it may be more broadly defined as a business issue. An even broader definition of the problem includes a focus on the party's relationships. Finally, disputes are defined most broadly as policy issues.

Legal	Business	Relationship	Policy
Narrow definition	-----	-----	Broad definition

For example, an employee asks his employer to pay for the treatment of a medical condition, which the employee believes to be work-related. The narrow legal issue might be: Under current law is the employer liable? The broader business issue might be: What would the treatment cost compared to both sides litigating the issue? The relationship issue might be: How can both sides continue a ten-year employment relationship, which has been mutually satisfactory until now? The policy issue might be: Is there a better means for society to address the consequences of job-related medical problems? As Professor Riskin concludes, "In other words, in moving from narrow to broad definitions of the subject matter of a mediation, one's view of the conflict can change from that of a problem to be eliminated to that of an opportunity for improvement."

One reason mediators are in such demand is that mediation allows the parties to deal with broader issues. While attorneys are retained to address the legal issues, their clients have broader expectations for resolution of their workers' compensation issues. Not only do they want a "solution," they want a workable solution that will ease the stress and conflict in their daily lives. According to Professor Riskin, "although [experts] tell us to 'separate the people from the problem,' sometimes the people are the problem. Thus mediation participants must address the relational and emotional aspects of their interactions in order to pave the way for settlement of narrower ... issues."

Effectively dealing with the relationship issues allows the parties to work together to create and carry out a mediation agreement. This takes on special significance in the on-going employee/employer relationship. And, as Riskin points out, "addressing these personal and relational problems can be valuable in its own right ... even if the mediation does not produce a solution to the narrower problems. In other words, a principal goal of mediation could be to give the participants an opportunity to learn or to change." For example, in a respectful mediation discussion, an employee may learn why his injury is outside the scope of workers' compensation law and the employer may understand why the employee thought his claim was valid. Under these circumstances the satisfactory employment relationship is likely to continue.

In this way, mediation of worker's compensation issues offers both the employer and employee the opportunity to resolve the legal issues and maintain a productive employment relationship.

For more information on mediation of Missouri workers' compensation cases, please call Russell Greenhagen, senior mediator, at (573) 526-2702, or email him at rgreenhagen@dolir.state.mo. In our next issue we will take a look at mediator styles.

For more on this topic, see Riskin, Leonard L. "Understanding Mediators' Orientations, Strategies and Techniques: A Grid for the Perplexed," HARVARD NEGOTIATION LAW REVIEW, Vol. 1, Spring 1996.

Missouri's Workplace is produced quarterly by the Office of Public Affairs at the Missouri Department of Labor and Industrial Relations. For a free subscription, contact **Missouri's Workplace**, P.O. Box 1958, Jefferson City, MO 65102-1958 or call (573) 751-7500, (573) 751-6552 FAX.

Articles in **Missouri's Workplace** may be reprinted after receiving approval from the Editor. Prior to reproduction, copies of articles must be sent to the Missouri Department of Labor and Industrial Relations, Office of Public Affairs, P.O. Box 1958, Jefferson City, MO 65102-1958. Articles for publication may also be sent to the above address. The Missouri Department of Labor and Industrial Relations will not return unsolicited materials without a self-addressed, stamped envelope. Unsolicited articles do not necessarily reflect the opinion of, nor have the endorsement of the Missouri Department of Labor and Industrial Relations.

Missouri Department of Labor and Industrial Relations

Bob Holden, Governor

Catherine B. Leapheart, Director

Joann Lindemann Editor

Mission: The Department of Labor and Industrial Relations strives to provide employees with safe and healthy workplaces and ensures economic security for all Missourians by promoting equal access to jobs, enforcing anti-discrimination laws and awarding payment of compensation to those unemployed, injured at work and victims of crime.

© 2002 Missouri Department of Labor and Industrial Relations. All Rights Reserved.



The Missouri Department of Labor and Industrial Relations
P.O. Box 1958 • 3315 West Truman Boulevard • Jefferson City, MO 65102-1958
(573) 751-4091 Telephone • (573) 751-4135 FAX
www.dolir.state.mo.us

Missouri Department of Labor and Industrial Relations
Office of Public Affairs
P.O. Box 1958
Jefferson City, MO 65102-1958

Return Service Requested